

**SAGUACHE COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION MEETING**  
**9:00 A.M. MARCH 11, 2014**

**MINUTES**

**I. CALL TO ORDER**

The meeting was called to order by Board Chair Joseph at 9:00 a.m., with the following members present:

Linda Joseph, Chair  
Ken Anderson, Co-Vice Chair  
Jason Anderson, Co-Vice Chair  
Wendi Maez, Co-Administrator  
Lyn Lambert, Co-Administrator  
Ben Gibbons, County Attorney  
Staci Burkhardt, Acting Secretary to the Board

**II. EMPLOYEE APPRECIATION**

No Employee anniversaries

**III. ADDITIONS/DELETIONS TO AGENDA**

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE AGENDA AS PRESENTED**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**IV. READING AND APPROVAL OF MINUTES – FEBRUARY 18, 2014**

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE MINUTES OF THE FEBRUARY 18, 2014 REGULAR SESSION MEETING AS AMENDED**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**V. REVIEW OF MAIL AND OTHER CORRESPONDENCE**

1. **Rio Grande Water Users Association** sent the Notice of the Annual Membership Meeting will be held at the Monte Vista Coop Hospitality Room, Tuesday, March 4, 2014 at 1:30 p.m. (2/25/14)  
Emailed Time Sensitive.

2. **Michael Horan** sent a letter to the Editor in regards to Saguache County Coyote Bountty. (2/21/14)
3. **Tom Spezze** sent an email in regards to the Scope of Work and Budget for the RGCT County Coalition. (2/24/14)
4. **Bill Case** sent a letter resigning from the Saguache County Tourism Board. (2/21/14)
5. **Rio Grande Water Conservation District** sent the February 2014 Ground Water Table Measurements. (2/24/14)
6. **Friends of the SLV National Wildlife Refuges** sent The Avocet Volume 23 no. 1 February 2014 Newsletter. (2/24/14)
7. **Jennifer Palmer** sent notice that the CSU Extension summary report is now available from CSU. (2/28/14)
8. **The Rio Grande Water Conservation District Newsletter**, February 2014 was received. (2/28/14)
9. **The March 2014 San Luis Valley Extension Newsletter** was received. (3/4/14)
10. **Chantel Unfug, DLV Division Director**, sent notice to Connie Trujillo to withhold distribution of moneys for the Center Sanitation District for failure to file the 2014 budget. (3/4/14) Have since sent in the budget.
11. **Chantel Unfug, DLV Division Director**, sent notice to Connie Trujillo to withhold distribution of moneys for the Town of Bonanza City for failure to file the 2014 budget. (3/4/14)
12. **Frederick J. Dunets** sent an email to Wendi Maez inquiring the status of Title III funds for KFM and wanting to know when work and draw down on KFM's allocation can begin. (3/5/14)
13. **Thad J. Englert and Lynn Sutherland** sent a letter requesting funding for operations from Saguache County for the Saguache County Museum during the 2014 season. (5/5/14)
14. **Lisa Cyriaks, Jim Shepard and Kevin Harris** sent letter's with comments in regards to the Town of Bonanza. Cyriaks requested if neither she nor Shepard are able to attend the March 11, 2014 Board of Commissioners Meeting that their letter be read into the record of minutes. (3/7/14)

## **VI. INTRODUCTION OF GUESTS**

Jon Billingsley – self      T. Bennis – Center Post Dis      Diane Dunlap - self  
 Matie Belle Lakish – Crestone Eagle

## **VII. PUBLIC COMMENT**

None at this time

## **VIII. COMMISSIONERS REPORT**

### **Commissioner Joseph:**

1. February 18 - Public Hearing on the Retail Marijuana regulations with Planning Commission representatives attending.
2. February 19 - Attended the Gunnison Sage Grouse Strategic Conservation Committee meeting by teleconference. This committee extended an invitation to our forming Wildlife & Habitat Strategic Committee for a joint meeting on April 16, 2014.
3. February 25 - Attended the Veterans Services Officers meeting, where Korean War Vets were recognized, and ongoing issues and efforts to improve them were discussed.



4. Had lunch with Roni and Mike Wisdom; discussion of the San Luis Valley Council of Government. Follow-up with Jeannie Norris for additional COG funds to finish repairs and exterior of the Haskin Building in Center.
5. March 3 - Attended the SLV All Hazards Executive Committee meeting; reviewed funding available for grant requests - slightly more than last year.
6. March 4, 5, 6 - Attended the quarterly Regional Emergency & Trauma Advisory Council Forum, in Estes Park.
7. Spoke briefly with a Denver Post reporter, and also Kevin Harris, a property owner in Bonanza whose letter was forwarded with the Cyriaks/Shepard letter.
8. March 10 - Attended the SLV Regional Public Health Partnership monthly teleconference. There will be a Summit of our Partners, and RWJ Learning Community representatives, with representatives of the West Central Partnership, which has been in place for some years here in Colorado.
9. Other Activities -
  - Worked on Eye on the County March column.
  - Completed the support letter for the District Attorney Grant.
  - Spoke with Julie Mach regarding attendance of Tess Beneduce - VISTA, at the Tourism Council meeting this week.
  - e-mailed Assessor Stephens regarding reassignment of computers she must replace, due to changes in Windows operating system. Discussion on what Departments and computers will need updated.
  - Spoke with Marv Weidner, Managing Results for final schedule adjustments. Instead of September 17, perhaps the consultants could add a day onto their visit at the end of the month - April 28, 29, and 30 and do BoCC interviews then.
  - Correspondence with Mark Talbot, XPlore regarding the scope of work for consolidating web mastering for the County's 3 websites; and, about providing the Tourism Council with access to the website in development for Tourism.
  - Reviewed Rio Grande Cutthroat Trout documents. Clarification is needed on status of the County Coalition MOU, and, when Tom Spezze will be on our agenda next week.
  - Received a call from Peggy Godfrey, recent appointee to the Rio Grande Water Conservation District Board.
10. Consulted with Susan Pierce grant writer pursuing funding for food banks to meet needs of citizens and families.

**Commissioner Ken Anderson:**

1. 2-18- Attended the Recreational Marijuana Public Meeting at Road & Bridge meeting room.
2. 2-19 – Attended Senator Bennett's Farm Bill discussion.
3. 2-20 – Attended the Senior Citizens meeting in Alamosa.
4. 2-25-26 – Attended the Rocky Mountain Farmers Union meeting in Denver.
5. 2-27 – Attended the Governors Ag Forum work session. Very interesting discussion and views on organic and all natural.
6. 3-1 – Attended the DRG meeting/retreat.
7. 3-10 – Attended the Farmers Union Convention in Santé Fe. Discussion on Cut-throat trout and sage grouse, discussions on new farmers starting up and the financial aspect.



**Commissioner Jason Anderson:**

1. 2/18 - Attended Marijuana Regulations meeting.
2. 2/19 - Met with Alex Due from the Wilderness Society who is looking for support for the Public Lands Renewable Energy Bill (HR 596 / S279).
3. 2/20-21 - Attended the CCI Steering Committee meetings.
4. **HB14-043** – places growing facilities that grow plants in containers such as greenhouses or nurseries or any plants not grown in the ground, at the 29% commercial property tax rate.
5. **HB14-1144** - This raises minimum salary requirements for entry-level District Attorneys. Amended to include the State contributing 20% toward the requirements for counties with 225,000 people or less. Supported
6. **HB14-1193** - Research and retrieval fees under CORA. Amended to take fee cap to 4 times minimum wage and strikes nominal language from the bill.
7. **SB14-84** - Allows counties with population of less than 70,000 to change elections where commissioners are only elected by their district. Oppose
8. Colorado's state revenue is the 10th lowest in the nation, our local government charges are the 6th highest.
9. 2/24 - Attended office hours at County Courthouse
10. 2/24 - Spoke with Shawn Holmer, maintenance supervisor for the Baca Grande POA. Discussion centered on possession of Spanish Creek Trail Baca access road.
11. 2/25 - Spoke with Joy Sweeny concerning land use for a church.
12. 2/26 - Attended the SLV Broadband meeting, discussion was about applying for a DOLA planning grant to map vertical and horizontal assets in the SLV, as well as area coverage and future planning.
13. 2/27 - Attended SLVGO monthly meeting. Topics included project updates (Vista Grande for Saguache) and a presentation from the Rio Grande Headwaters Institute.
14. 2/27 - Met with Ben Gibbons, County Attorney concerning court case.
15. 3/1 - Attended NACO annual meeting in Washington D.C
16. Public Lands Committee meeting proposed resolutions.
  - Propose that each Superintendent of a Public Lands Unit (NFS, BLM, and F&W) formulate a Plan of Operation for their unit in the absence of appropriations.
  - Proposed Resolution on Federal Lands Management Policy.  
Policy requires federal lands to be managed in both an ecological and financially sustainable manner providing a source of revenue to the federal, state, and local government, with consideration to cost of remediation after a severe event (fire etc.).
  - Proposed resolution on the Endangered Species Act.  
Resolution to require greater transparency in the available science, and greater local influence in decisions to list species as threatened or endangered.
  - Reauthorization of the Federal Land Transaction Facilitation Act.  
Facilitates the sale of BLM lands identified for disposal, which generates Revenue for high-priority conservation.
17. 3/3-4 - Attended NACO speeches from Secretary of the Interior, transportation, and Agriculture. 3/5 - Met with Colorado Senators and Congressmen representing CCI. Priorities list included mandatory, full funding of PILT, Rural Broadband, transportation funding, waters of the US, Internet Sales Tax, and Community Development Block grants.
18. 3/10 - Attended office hours at County Courthouse



## **BREAK**

### **IX. CO-ADMINISTRATOR REPORT - WENDI MAEZ & LYN LAMBERT**

1. Monthly Veteran's report reviewed and signed.
2. Lambert met with an auditor from WSB on Friday, March 7. Firm date for year- end inventory not yet set.
3. Scott Alexander from the Northern Saguache County Ambulance addressed the BoCC about the Sales Tax Grant received and the concrete work needing done. Mr. Alexander would like to do gravel and retaining wall work in-house with volunteers since they did not receive other grant for which the Sales Tax Grant was the matching funds, to do the concrete work. BoCC is okay with the change in use of grant funds.
4. The May 20<sup>th</sup> meeting has been changed due to Commissioner Jason Anderson's traveling schedule and that is the date that was scheduled for the BoCC to make final decisions on the Sales Tax Grants. BoCC will set a work session date in May, later if needed. There are already 4-5 days of meetings added in late April/early May for the Strategic planning process.
5. Email and letter received from Ms. Cyriacks stating that there is a possibility that neither Mr. Shepard nor she will be in attendance at the meeting this afternoon. The Cyriacks/Shepard letter has been put in the mail for BoCC review.
6. Incident in the Town of Center on Thursday, March 6<sup>th</sup> caused the County building to be put in lock down for several hours. Will discuss with Ms. Vieira and Sheriff Norris this afternoon.

### **X. LAND USE ADMINISTRATOR – WENDI MAEZ**

1. Retail Marijuana Regulation – possible adoption. Attached.

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE LU-2014-3 RESOLUTION CONCERNING THE AUTHORIZATION, PERMITTING AND REGULATION OF RETAIL MARIJUANA**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

2. Retraction of Retail Marijuana Ordinance.

**MOTION BY COMMISSIONER JASON ANDERSON TO ADOPT LU-2014-4, AN ORDINANCE REVOKING ORDINANCE LU-2013-42 WHICH PROHIBITED THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES MARIJUANA TESTING FACILITIES OR RETAIL MARIJUANA STORES WITHIN THE UNINCORPORATED BOUNDARIES OF SAGUACHE COUNTY, STATE OF COLORADO**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE LU-2014-5 RESOLUTION OF ADOPTION OF AMENDMENTS TO THE SAGUACHE COUNTY LAND DEVELOPMENT CODE**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

3. Solar Reserve deferral of permit request will be discussed next work session.
4. David S. and Alicia Mason Miller, Lot Consolidation request to consolidate lots 569 and 570, Baca Grande Chalet Unit One. CBPC recommended approval of this request during their regular meeting on March 5, 2014.

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE LOT CONSOLIDATION FOR DAVID S. AND ALICIA MASON MILLER FOR LOTS 569 AND 570, BACA GRNADE CHALET UNIT ONE AS RECOMMENDED BY THE CBPC**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

5. Stewart Ward Olin Jr. and Deborah Lynne Bouvier, Lot Consolidation request to consolidate Lots 939C and 938, Baca Grande Chalet Unit One. CBPC recommended approval of this request during their regular meeting on March 5, 2014.

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE LOT CONSOLIDATION FOR STEWART WARD OLIN JR AND DEBRAH LYNNE BOUVIER FOR LOTS 939C AND 938, BACA GRANDE CHALET UNIT ONE AS RECOMMENDED BY THE CBPC**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

6. Sue Gallegos and Maez will be out of the office from Wednesday afternoon, March 12 and will return to the office on Monday, March 17, 2014. We will be attending the Rocky Mountain Land Use Conference in Denver on Thursday and Friday.

**XI. COUNTY ATTORNEY – BEN GIBBONS**

**MOTION BY COMMISSIONER JASON ANDERSON TO CONVENE AS THE BOARD OF EQUALIZATION AT 11:36 AM**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

1. Presented the Board of Equalization with the Settlement Agreement for Assessment Appeals.



**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE SETTLEMENT AGREEMENT BETWEEN THE COUNTY AND STEVEN P MCDOWELL AND ALL PARTIES  
SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER JASON ANDERSON TO ADJOURN AS THE BOARD OF EQUALIZATION AND RETURN TO REGULAR SESSION MEETING AT 11:43 AM  
SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**XII. SHERIFF REPORT – MIKE NORRIS**

1. Presented bids to BoCC for the new jail doors and locks. Discussion on budget line item for the purchase.
  - Ecodynamics, Inc. bid was \$13, 659.81
  - Van Iwaarden Builders, Inc. bid was \$12,800.00

**MOTION BY COMMISSIONER KEN ANDERSON TO APPROVE THE VAN IWAARDEN BUILDERS INC BID FOR THE JAIL PLATE DOORS WITH DETENTION LOCKS FOR \$12,180.00**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

2. Discussion on the recent Center incident and the lock down. Debriefing with Center Police Department, Sheriff's Office, and Department Heads to discuss incident on March 12, 2014.

**LUNCH**

**XIII. ROAD & BRIDGE SUPERVISOR – RANDAL ARREDONDO**

1. Iris Garcia in for Arredondo.
2. BoCC reviewed four bids for gravel crushing work.
  - Dillon Construction bid total \$480,000.00
  - Elk Creek Sand and Gravel bid total \$576,500.00
  - Colorado Crushing, Inc. bid total \$348,500.00
  - Southway Construction bid total \$366,850.00

**MOTION BY COMMISSIONER JASON ANDERSON TO ACCEPT THE BID FROM COLORADO CRUSHING INC FOR GRAVEL CRUSHING PROJECT FOR \$348,500.00**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

3. BoCC instructed Ms. Garcia to discuss with Arredondo fill dirt for the concrete work at the Northern Saguache County Ambulance building.

**MOTION BY COMMISSIONER JASON ANDERSON TO CONVENE AS THE SAGUACHE COUNTY BOARD OF HEALTH AT 1:30 PM**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**XIV. PUBLIC HEALTH DIRECTOR - DELLA VIEIRA**

1. Core Services updates: Review function and statutory requirements:
  - a. Assessment, Planning, and Communication:
    1. Environmental Health Summit with West Central Partnership in Gunnison 4/14/2014 9:00-3:00 @ site on campus. Gianfranco Pezzino from the Center for PH Sharing will be joining us. Two other learning community sites have expressed interest in attending as well.
  - b. Vital Records and Statistics: draft of letter requesting data from Rio Grande Clerk & Recorder for 2013, review and sign
  - c. Communicable Disease Prevention, Investigation, and Control:
    1. Flu hospitalizations SLV=12 since mid-December, 5 of those from February alone
      - a. (1-Saguache County)
  - d. Prevention and Population Health Promotion:
    1. Strategic planning begun in SCPP at Feb meeting, to be continued with visit from Community and Outreach Coordinator for the Colorado Meth Project at yesterday's to assess needs, identify community partners and determine what resources are in place in the SLV for awareness and abatement.
    2. Health Fairs: 4/4/2014 in Center from 7:00-11:00  
4/19/2014 in Saguache from 7:30-11:30
  - e. Emergency Preparedness and Response:
    1. Provided letter of support to OEM 2/14/2014 for grant app to continue Resident EMT Program
    2. Attended Saguache County fir planning session 2/18/14-notes forwarded to Linda
    3. New regional Epidemiologist=Samantha Escobedo visited Saguache PH office this am; she expressed her intention to coordinate for more public outreach and education during her term as Regional Epidemiologist.
    4. Alamosa County interviewed 3/4/2014 for Planner position-no word yet on whether position was offered to any candidate.
  - f. Environmental Health:
    1. Summary from CALPHO regarding new state methane emissions law provided by Mr. Jeff Zayach, Director, Boulder County Public Health:

-The state Air Quality Control Commission voted to adopt new air quality rules for oil and gas production, and midstream operations (basically everything upstream from the natural gas processing plants). The rules are explicitly regulating both emissions of volatile organic compounds (VOCs) that are ozone precursors, and of methane as a GHG (greenhouse gas). The final rules were adopted by an 8-1



vote, but the methane rules were close - it was a 5-4 vote to regulate methane. I want to make sure folks understand just how significant the reductions will be.

-The state Air Pollution Control Division estimates annual methane reductions starting at about 63,000 tons; the Environmental Defense Fund projects larger reductions, in the 110,000 ton range...If you figure that the average vehicle emits about 5 tons of CO<sub>2</sub> per year, we can quantify the impacts of the new methane rule as equivalent to taking 400,000-700,000 cars off the road in terms of 100 year Global Warming Potential (GWP)...

-The AQCC asked staff to begin technical work and stakeholder engagement on two additional areas that were not addressed in this rule making - emissions from downstream compressor stations (the big transmission and storage compressors that are between the natural gas processing plants and the distribution system), and on emissions from intermittent-bleed pneumatic controllers. Both of these may offer potential additional emissions reduction opportunities.

2. SLV Land Use Officers met with Regional EH Specialist in Feb to review/plan OWTF regulations

3. PH received a copy of the approved water system plan from Town of Saguache on 03/03/2014, and correspondence regarding OWTS proposed for Orient Land Trust Site.

g. Administration and Governance:

1. Two MDs approached for Medical Officer Position: B Williams, A Gaimpaolo.

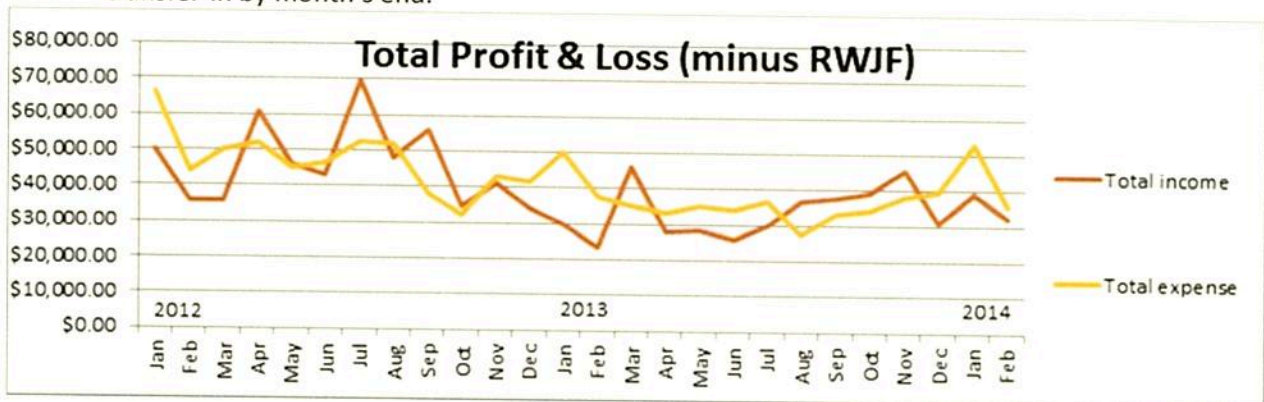
2. Medicaid expansion update-numbers from February (HCPF). Saguache County enrolled 352 people since Oct 1, 2013 (see attached).

2. PCP Program.

a. Total of 46 Medicaid clients and 0 Private Pay clients received services in February. 2 new clients pending placement later this month.

3. Financial activity: Profit & Loss for month of February (Public Health & PCP combined).

a. Even with February expenses down to normal levels, I still expect that we will need a transfer-in by month's end.



**MOTION BY COMMISSIONER KEN ANDERSON TO ADJOURN AS SAGUACHE COUNTY BOARD OF HEALTH AT 2:00 P.M.**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**XV. PUBLIC LAND DISCUSSION – USFS / BLM**

No one present

**XVI.**                    **OEM DIRECTOR – JIM FELMLEE**

Rescheduled due to conflicting meeting.

**XVII.**                    **PUBLIC HEARING – TOMICHI CREEK TRADING POST LIQUOR LICENSE**

1. Retail Liquor Store and Tavern Liquor Licenses for Tomichi Creek Trading Post due to new owner Christopher J Wright.

**MOTION BY COMMISSIONER JASON ANDERSON TO ENTER INTO PUBLIC HEARING FOR TOMICHI CREEK TRADING POST LIQUOR LICENSES AT 3:00 PM**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE RETAIL LIQUOR STORE LICENSE FOR TOMICHI CREEK TRADING POST FOR CHRISTOPHER J WRIGHT**  
**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER JASON ANDERSON TO APPROVE THE TAVERN LIQUOR LICENSE FOR TOMICHI CREEK TRADING POST FOR CHRISTOPHER J WRIGHT**  
**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**MOTION BY COMMISSIONER JASON ANDERSON TO ADJOURN PUBLIC HEARING AND RETURN TO REGULAR SESSION MEETING AT 3:04 PM**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**XVIII.**                    **TOWN OF BONANZA**

1. Lisa Cyriacks and Jim Shepard sent a letter to the Board expressing more concerns.
2. Extension from SOS is until March 14, 2014.
3. BoCC discussion on another extension, see Eye on the County article for details. (attached)

**MOTION BY COMMISSIONER JASON ANDERSON TO REQUEST ANOTHER EXTENSION ON THE PETITION TO DIS-INCORPORATE THE TOWN OF BONANZA UNTIL SEPTEMBER 1 2014 THROUGH THE SECRETARY OF STATES OFFICE**

**SECOND BY COMMISSIONER KEN ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

**MOTION CARRIED**

**XIX.**                    **BILL PAYING**



**XX. ADJOURN**

**MOTION BY COMMISSIONER JOSEPH TO ADJOURN AT 3:45 P. M.**

**SECOND BY COMMISSIONER JASON ANDERSON**

**VOTES IN FAVOR: 3**

**VOTES AGAINST: 0**

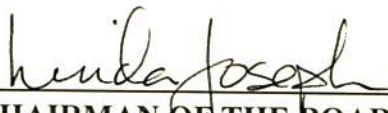
**MOTION CARRIED**

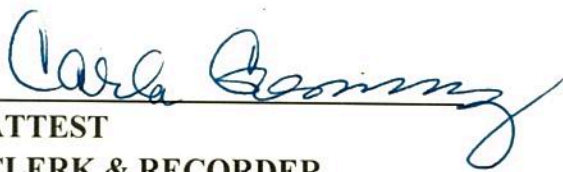
**RESPECTFULLY SUBMITTED,**


**STACI BURKHART ACTING SECRETARY TO THE BOARD OF COUNTY COMMISSIONERS**

**MINUTES APPROVED MARCH 25, 2014**



  
CHAIRMAN OF THE BOARD

  
ATTEST  
CLERK & RECORDER  
CARLA GOMEZ

  
COMMISSIONER

  
COMMISSIONER

## **IV.7. RETAIL/MEDICAL MARIJUANA**

### **Retail/Medical Marijuana**

In addition to all Conditional Use Permit requirements, the following will also be required for the three types of Medical Marijuana facilities and all dual operations allowed within the State of Colorado under Amendment 64:

Medical Marijuana Centers, Optional Premises Cultivation facilities, Infused Product Manufacturers, may also operate under dual licensing with correlated Retail Marijuana Centers. Retail Marijuana Cultivation facilities and Retail Infused Product Manufacturing and Testing Facilities.

#### **IV.7.1. Retail/Medical Marijuana Center Parking Requirements:**

IV.7.1.1. One space per 200 square feet of floor area used for office, sales, or personal service operations.

IV.7.1.2. One space per 1,000 square feet of floor area used for growing, warehousing, or storage operations.

#### **IV.7.2. Additional Provisions for Medical and Retail Marijuana Operations and Testing Facilities:**

IV.7.2.1. These uses must obtain and maintain all necessary state and local permits regardless of when they are established, businesses operating for the purpose of cultivation, manufacture, or sale of medical marijuana or medical marijuana-infused products, as defined in Colorado House Bill 10-1284 and any and all dual operations allowed within Amendment 64, are and will be subject to the provisions and limitations stated in 1 CCR 212-1 M304 and 1 CCR 212-2 R304 of the Colorado Retail Marijuana Code. These provisions and limitations include those in the legislation and any State and County requirements promulgated under the legislation. Such businesses or uses, even if allowed under this Section or prior provisions of this Code, are subject to termination if they cannot meet the requirements of, or legally operate under State Law and the Colorado Marijuana Code.

IV.7.2.2. One single-family dwelling to house the owner or manager and their family will be considered customary and incidental as part of this use, to the extent authorized by state law.

IV.7.2.3. These uses shall not be located within 1,000 feet of an alcohol or drug treatment facility, a licensed child care facility, or an educational facility with students below the college grade level, liquor stores and places of worship including facilities in the unincorporated County or substantially similar facilities in an adjacent municipality, as measured from the closest point of the subject parcel lines.



IV. 7.2.4. Lighting – No artificial lighting for cultivation purposes shall be visible from outside, if located in an area that directly affect neighbors.

IV.7.2.5. All applications for this type of use must include the following:

IV.7.2.5.1. An approved copy of the State MED (Marijuana Enforcement Division) License must be supplied to the Land Use Office within 10 days of receipt from the State of Colorado Department of Revenue.

IV.7.2.6. Approved Water Supply – must provide a copy of approved State of Colorado Permit or contract for water.

IV.7.2.7. Approved Sewage Disposal Permit.

### **Seniors' Food Programs cut, Saguache County helping fill the gap**

Saguache County Department of Social Services (DSS) administers food programs for the citizens of Saguache County. "The Emergency Food Assistance Program (TEFAP) is a Federal program that helps supplement the diets of low-income Americans, including elderly people, by providing them with emergency food and nutrition assistance at no cost. It provides food and administrative funds to States to supplement the diets of these groups." (TEFAP website)

Commodities are distributed monthly to those who qualify and provide proof of income and residency. Commodity Supplemental Food Program (CSFP) food is distributed monthly to Saguache County senior citizens who qualify. CSFP commodities are administered through the United States Department of Agriculture, which recently notified the State of Colorado that the program has been drastically cut back. Saguache County had an enrollment in the CSFP program of 147 recipients, which has now been reduced to 70 households.

Saguache County is working to fill the gap in food resources for local seniors, as their State and Federal food support has shrunk. The Dept. of Social Services maintains the Emergency Food Bank in their offices in Saguache. **The Emergency Food Bank will now be staffed and open on Fridays during the hours of 11:00am – 2:00pm effective April 4, in order to make it convenient for those needing supplemental foods to visit. Exceptions will be those Fridays that are County holidays. The Emergency Food Bank will continue to be available as always, on a 24/7 basis for those in need, and after hours may be contacted through the Saguache County Sheriff's Office.**

The Food Bank is supported by private donors of money, food and time, as well as grants from Saguache County and SLV Food Network. Donations and volunteers are always welcome, and DSS staff may be reached at 655-2537 if assistance is required.

### **Town of Bonanza Update**

As reported in the March Eye on the County, the dis-incorporation of the legal status of the Town is being considered by the CO Secretary of State office (SOS). During an extension granted by the SOS, the County explored options and issues with DOLA, the Dept. of Local Affairs. DOLA works with municipalities and counties in fulfilling their local government roles and responsibilities. There is ample evidence corroborating an extensive history, beginning in the 1990's, of response by County and State agencies to Bonanza's lack of capacity to function as a municipality and provide basic services needed for the Bonanza community to grow.

The initial extension, and a 2<sup>nd</sup> one, were urged by a citizen of the nearby "Bonanza Road" community; a Crestone/Baca resident; and one owner of property inside the Town who raised questions about what dis-incorporation means to the Town of Bonanza's 200 landowners, and seeking additional time to reach out to them. The current extension by the SOS runs until September 1, 2014, and allows them time to connect with the dozen or so summer residents of Bonanza, and the bulk who have vacant land and do not live in the area, perhaps unaware of the status of town functions, and dis-incorporation proceedings.

The hitch in either Bonanza continuing as an incorporated town, or, identifying some other option to dis-incorporation - is that the Town has to be functioning to legally act on them. The seasonal residents number in the teens, and only 1 person lives in Bonanza year round. The number of registered voters in the Town is: 4 - an insufficient number to hold elections, and resume maintaining town finances and functions. This is the core issue to be resolved. Whether Bonanza citizens would like to retain their Town status, or consider annexing a larger area encompassing Bonanza Road turf, or enacting some other type of district - SUCH SOLUTIONS require a sufficient electorate, and a functioning Town government, in the first place.



It seems most community-minded to give Bonanza property owners additional time to muster internal communications and learn about the Town's status. It's true though, that both the County and State hesitate. As DOLA representative Jarrod Biggs noted - "... we do recognize that non-functioning municipalities are problematic in a number of ways and would prefer the direct responsibility by a county in an area rather than a non-functioning municipality". If Bonanza became an Unincorporated Town, services long unavailable there could be provided. Most critically, County provision of building and septic permitting, would resolve some alarming detrimental impacts of Bonanza still being incorporated, while not able to function. Unable to obtain these needed permits, property owners are blocked from installing proper sanitation on their land, building a home, and obtaining a mortgage if needed. The delay of the extension until Sept. 1, 2014 prolongs this untenable situation, for Bonanza property owners, for another building season.

### Assessment Appeals Settlement

The Saguache County Commissioners/Board of Equalization (BOE), Assessor and CO Division of Taxation have been engaged in settlement of an appeal of re-appraisal assessments by Crestone residents Steven P. McDowell, Elaine T. Johnson, MJ Investments, LLC, William Henry Folk, **II and Julie E. Folk**, Patricia Zinn, **the Estate of Robert E. Sisemore (Deceased)** and Eileen P. Sisemore, **Lisa Cyriaks** and Curtis English. Those assessments were made in a joint re-appraisal process required by the State, and completed by State and County workers. **Some** of the resulting figures were reduced **in rounds of review by the Assessor and CBOE**. Dis-satisfied with the process and resulting numbers, property owners have the options of seeking arbitration, appealing to the State Board of Assessment Appeals, or through the local courts. The appellants chose the latter.

All parties put time and a great deal of effort into preparing for the Appeal hearing, to provide the Judge with information and stipulated facts to expedite the trial, so that the taxpayers who appealed would know the amount owed for the 2013 tax year. The trial was scheduled in early March to resolve the appeal as soon as possible. One of the witnesses endorsed by the County, a representative of the State, submitted his report late. His report and testimony as an expert was excluded by the Court, not because of the lateness of the report, **but on the Court's determination that "the intended testimony would be an usurpation of the court function as regards the applicable legal standards"**. There were several representatives of the County, and State, endorsed by the County who were ready to share their knowledge and experience of the situation if called upon.

Just days before that hearing, Durango attorney Jeffrey Robbins, representing the appellants, proposed a settlement instead, presenting figures his clients felt to be acceptable. The State Division of Property Taxation has since indicated acceptance of same. **The final adjustments result in total tax abatements of \$8,957.55, across the 17 parcels involved in the appeal, of which the County portion is \$1,832.17.** Saguache County Board of Equalizations/County Commissioners and County Assessor are pleased with an ultimate solution agreeable to those parties, and completed the Settlement accordingly. How these adjustments relate to other parcels in the area will be reviewed. Property Values are assessed every 2 years, and will be assessed again in 2015.

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